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SIPDIS
SENSITIVE

DEPT FOR AF A/S FRAZER, AF/SPG, S/CRS, SE WILLIAMSON, NSC FOR
BPITTMAN AND CHUDSON,
DEPT PLS PASS USAID FOR AFR/SUDAN

E.O. 12958: N/A

TAGS: PREL PGOV PHUM SU

SUBJECT: SLM LAWYER DESCRIBES SUDAN'S "UNDECLARED STATE OF
EMERGENCY"

REF: KHARTOUM 918

¶1. (U) SUMMARY: On June 19, Abdel Aziz Sam (the legal expert for the Sudan Liberation Movement/Minni Minnawi- SLM/MM) told CDA Fernandez that the harassment, detention, and unauthorized search and seizure of Darfuris in Khartoum and Omdurman continues and that Sudan is currently under an "undeclared state of emergency" due to the May 10 JEM attack on nearby Omdurman. Sam also strongly criticized the special legal system established for the trial of captured members of the Justice and Equality Movement (JEM). Meanwhile, Sudanese authorities heavily censored a U.S. Embassy press release on June 18 expressing concern over ethnically based arrest, detention, and torture. SUMMARY.

"GENERAL REVENGE ON DARFURIS"

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¶2. (SBU) Sam stated that the Sudanese security and police have encouraged inhabitants of Khartoum to report suspicious activities of Darfuris. Sam said that the authorities allegedly have since received 18,000 reports on people from Darfur, although almost all of them were not involved in the attack, having lived in Khartoum for many years. "I have lived in Khartoum for 25 years," stated Sam, "and all of a sudden my neighbors start reporting on me." According to Sam, this reporting has the desired goal of scaring, harassing, and weakening Darfuris in Khartoum. Even though most of the reports are completely unfounded, stated Sam, the authorities take anything reported very seriously, barging into homes, and stealing property, harassing women.

¶3. (SBU) Small merchants have all their stock stolen or destroyed with impunity. There is no court system for this behavior, and you can't say anything against the people who barge into your home. "It really is a type of general, racist revenge on Darfuri society in Khartoum," stated Sam. Sam said that the government is not solely responsible for the extent of reporting, as "some people are using this as an opportunity to get back at their neighbors for very petty things" such as property or domestic disputes. Sam added that Darfuris in the capital have started to flee, returning home to Darfur. (Sam later told poloff that the number of flights to Darfur has even increased as a result of the demand for travel to Darfur.) Some of the Darfuris returning home have been in Khartoum for a generation, even before the eruption of violence in that region in ¶2003.

NEW SPECIAL LEGAL SYSTEM FOR JEM

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¶4. (SBU) Sam stated that the GoS relies on its "three page" 2002 terrorism law for these detentions, searches, and encroachments on civil liberties (this law was passed by the regime in the wake of 9/11 as the GOS sought to distance itself from its own past terrorist links). Sam stated that anything can be considered terrorism under this law, saying, "If you insult the President, even that can be terrorism." CDA Fernandez noted that this may be the reason that President Bashir dubbed the ICC a "terrorist institution." Sam stated that the GoS has created an entirely new

and different legal system with special judges, new physical spaces for the courtrooms, and the appointment of very weak defense attorneys. He added that the trials had been delayed to give enough time for the physical evidence of torture to heal before the public hearings began.

¶15. (SBU) Sam added, "the judges chosen are totally beholden to the regime, and there are no opportunities for defense in this system where the judges and the executioners are the same people." Sam specifically noted that the creation of these special courts, wholly controlled by the security service (NISS) violates Article 151 of Sudan's interim constitution. Sam was equally scathing about JEM and Khalil Ibrahim noting that the JEM leader had "committed genocide" in South Sudan before he turned against the Khartoum regime. But the wave of revenge against Darfuris in Khartoum is "driving people to Khalil who never would have agreed with him."

¶16. (SBU) Sam stated that SLM leader Minni Minnawi created a council to register all violations to Darfuris in the aftermath of the JEM attack. He said that many prominent national lawyers have volunteered their time working for this council. Sam also said that this council has worked in close coordination with the Darfur Lawyers Association (led by Abdullah Duma, Sadiq Hassan, and Tariq Al-Sheikh) to protect the rights of Darfuris. "The perpetrators of the attack should be tried, but they should be tried according to standard procedures, not in this fashion," stated Sam. Sam stated that the GoS operates as though it is in a state of emergency, although it has never declared this. "The NCP leaders know that they can't declare a state of emergency right now, because First Vice President Salva Kiir of the SPLM would never agree to it," stated Sam. Sam stated that he raised these issues with the Minister of Justice in a private meeting, but that the Minister - a

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former communist reconciled to Khartoum's Islamist regime - was unhelpful, dismissive, and rude.

¶17. (SBU) Charge asked Sam what additional steps the Embassy could take to highlight this issue. He noted that we have repeatedly raised this concern with senior Sudanese officials from the day after the attack and have also publicly warned the regime about targeting people on the basis of ethnicity or geographic origin. Sam agreed that a visit to the defense council would be a good idea but reaching out directly to the Darfuri Lawyers Association, already under severe scrutiny by the regime, would probably not be helpful.

EMBASSY'S PRESS RELEASE CENSORED

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¶18. (SBU) On June 18, the U.S. Embassy in Khartoum issued a press release expressing concern over "reports of ethnically based arrests, detentions, and torture of Darfuris in Khartoum and Omdurman in the wake of the May 10th attacks by the Justice and Equality Movement Darfur rebels on Omdurman. The following day "As-Sahafa" was the only major Sudanese paper to mention the press release on June 18. This story focused on a source from the Sudanese Government's National Council for Human Rights responding to the June 18 press release denying any detentions based on ethnic or geographic identity. On June 20, Nial Bohl of the English language daily "The Citizen" contacted the Public Affairs Office at the U.S. Embassy and stated that his paper intended to publish the Embassy's press release, but that the Sudanese authorities censored the article.

COMMENT

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¶19. (SBU) As the censorship of U.S. Embassy press releases demonstrates, the GoS views U.S. attention on human rights abuses as a threat. The work of Sam, the Darfur Lawyer's Association, and the council established by SLM/MM following the attacks is crucial for Darfuris and for Sudanese human rights practices in general. Post will continue to follow up with the government, media, the Darfuri community, and local and international organizations on this important issue which, once again, highlights the essentially brutal instincts of a regime lashing out when it feels threatened.

FERNANDEZ